

REMARKS

This amendment is in response to the Office Action of September 26, 2005.

Claims 1 through 20 are currently pending in the application.

Claims 1 through 20 have been amended herein. Support for the amendments may be found in paragraphs [0007], [0015], [0017], and [0018]. No new matter has been entered to the disclosure as the amendment clearly complies with 35 U.S.C. § 132. The amendments are to clarify the invention and to correct informalities. The amendments are made without prejudice or disclaimer.

Claim Objections

Claim 17 is objected to due to informalities in the claim language. Appropriate correction has been made.

35 U.S.C. § 102(b) Anticipation Rejections

Anticipation Rejection Based on Webb *et al.* (U.S. Patent 5,727,135)

Claims 1 through 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Webb *et al.* (U.S. Patent 5,727,135) ("Webb").

Applicants assert that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

After carefully considering the cited prior art, the rejections, and the Examiner's comments, Applicants have amended the claimed invention to clearly distinguish over the cited prior art.

Presently amended independent claim 1 recites a method for informing a user in a GUI environment whether an output device is currently warmed up for printing, the method comprising . . . determining whether the output device is warmed up for printing, providing a first indication to the user if the output device is not warmed up for printing, and providing a second indication to the user if the output device is warmed up for printing.

Applicants assert that Webb does not identically describe, either expressly or inherently, each and every element of claim 1 in as complete detail as contained in the claim to anticipate the claimed invention under 35 U.S.C. § 102. Applicants assert that Webb does not describe the element of the claimed invention calling for “providing a first indication to the user if the output device is not warmed up for printing.” Webb describes providing the following alerts to a user –

Typically, all alerts including operator panel change alerts and configuration changes are provided for the selected printer, while output alerts, operator intervention required alerts, device service required alerts, configuration change alerts and supplies alerts are provided for the non-selected printers.

Column 22, lines 59-64.

None of the alerts described in Webb are “a first indication to the user if the output device is not warmed up for printing.” Webb does not provide an alert when a printer needs warming up. Therefore, for at least this reason, Webb does not anticipate presently amended claim 1 under 35 U.S.C. § 102 and, presently amended independent claim 1 is allowable.

Claims 2 through 10 are allowable for at least the reason of depending from allowable presently amended independent claim 1.

Presently amended independent claim 11 recites a system configured to inform a user in a GUI environment whether an output device is currently warmed up for printing, the system comprising . . . a computer instruction storage medium containing . . . a set of computer instructions for determining whether the output device is warmed up for printing, a set of computer instructions for providing a first indication to the user if the output device is not warmed up for printing, and a set of computer instructions for providing a second indication to the user if the output device is warmed up for printing.

Applicants submits that Webb does not identically describe, either expressly or inherently, each and every element of claim 11 in as complete detail as contained in the claim to anticipate the claimed invention under 35 U.S.C. § 102. Applicants assert that Webb does not describe the element of the claimed invention calling for “a set of computer instructions for providing a first indication to the user if the output device is not warmed up for printing.” Webb describes providing the following alerts to a user –

Typically, all alerts including operator panel change alerts and configuration changes are provided for the selected printer, while output alerts, operator

intervention required alerts, device service required alerts, configuration change alerts and supplies alerts are provided for the non-selected printers.

Column 22, lines 59-64.

None of the alerts described in Webb are “a first indication to the user if the output device is not warmed up for printing.” Webb does not provide an alert when a printer needs warming up. Therefore, for at least this reason, Webb does not anticipate presently amended claim 11 under 35 U.S.C. § 102 and, presently amended independent claim 11 is allowable.

Claims 12 through 19 are allowable for at least the reason of depending from allowable presently amended independent claim 11.

Presently amended independent claim 20 recites a computer readable medium containing computer instructions for . . . determining whether an output device is sufficiently heated for printing, providing a first indication to a user if the output device is not sufficiently heated for printing, and providing a second indication to the user if the output device is sufficiently heated for printing.

Applicants submits that Webb does not identically describe, either expressly or inherently, each and every element of claim 20 in as complete detail as contained in the claim to anticipate the claimed invention under 35 U.S.C. § 102. Applicants assert that Webb does not describe the element of the claimed invention calling for “providing a first indication to a user if the output device is not sufficiently heated for printing.” Webb describes providing the following alerts to a user –

Typically, all alerts including operator panel change alerts and configuration changes are provided for the selected printer, while output alerts, operator intervention required alerts, device service required alerts, configuration change alerts and supplies alerts are provided for the non-selected printers.

Column 22, lines 59-64.

None of the alerts described in Webb are “a first indication to a user if the output device is not sufficiently heated for printing.” Webb does not provide an alert when a printer needs heating. Therefore, for at least this reason, Webb does not anticipate presently amended claim 20 under 35 U.S.C. § 102, and presently amended independent claim 20 is allowable.

Applicants submit that claims 1 through 20 are clearly allowable over the cited prior art.

Applicants request the allowance of claims 1 through 20 and the case passed for issue.

Respectfully submitted,



James R. Duzan
Registration No. 28,393
Attorney for Applicants
TRASKBRITT, P.C.
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: December 9, 2005
JRD/dlm:lmh

Document in ProLaw